

TWENTY-SECOND DAY

(Wednesday, February 15, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

Absent—Excused

Collie Spears

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Spears was granted leave of absence for today, on account of important business, on motion of Senator Head.

Senator Collie was granted leave of absence for today, on account of important business, on motion of Senator Head.

Senate Bill on First Reading

The following bill was introduced, read first time, and referred to the committee indicated:

By Senator Stone of Washington.

S. B. No. 192, A bill to be entitled "An Act authorizing Commissioners' Courts to acquire by purchase or by condemnation any new or wider right of way or land not exceeding one hundred (100) feet in width for

stream bed diversion and drainage channels in connection with the locating, relocating, construction, reconstruction or maintenance of any public road; and to acquire by purchase or by condemnation land or lands for obtaining earth, stone, gravel or other material necessary or convenient to the construction, reconstruction, maintenance, widening, straightening, or lengthening of any public road and to pay for the same out of the County Road and Bridge Fund or out of any available county funds; repealing all laws in conflict herewith; and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

Senate Concurrent Resolution No. 6

Senator Graves offered the following resolution:

S. C. R. No. 6, Authorizing Mrs. R. R. Jones to sue the State.

The resolution was read and was referred to the Committee on State Affairs.

Senate Resolution 23

Senator Moffett offered the following resolution:

Relative to Discrimination of Freight Rates in the Southwestern Region

Whereas, The United States has for a long number of years been divided into zones for the purpose of fixing freight rates, with said freight rate structure being under the direct supervision of the Interstate Commerce Commission; and

Whereas, The freight rates under the zoning system are much higher in certain sections of the Nation than in other sections; and

Whereas, Because of this zoning set-up, the people of Texas and the Southwest are paying from 60 to 85 per cent more on their freight than are the people in the East and Central Eastern States; and

Whereas, This discrimination is detrimental to the farmer, the stockman, the laborer, the business man and the manufacturer of our section of the Nation and does not give them equal opportunity to benefit in agriculture, commerce or our economic system in general; and

Whereas, This discrimination results in our producers being tremendously penalized on everything

bought and sold; results in our consumers paying more for commodities than the consumers in other zones; results in producers from more distant areas gaining our own export and domestic markets at less transportation costs than our own producers; and results in stagnating our industrial development and restricting an even flow of commerce and trade in the Southwestern Region, and

Whereas, From a study of Interstate Commerce Commission reports on transportation costs, it definitely appears that transportation operation costs in Texas are even less than in the Eastern and Northern zone, while our freight rates are from 60% to 85% higher; and

Whereas, If we are to have industrialization and to promote factories in Texas and the Southwest and to give the farmer, the laborer, and the business man in this region, an even break it is necessary that this discrimination of freight rates be abolished and a fair and equitable system inaugurated; now, therefore, be it

Resolved by the Senate of the State of Texas, That we hereby ask the United States Congress to pass such legislation as may be necessary to eliminate the discrimination in freight rates as between the various regions of the United States, to bring these rates on a parity in level and scheme in all portions of the United States, and to establish and maintain a rate structure to the end that our Texas producers and consumers be no longer discriminated against, and to the end that there be a free flow of commerce between all regions of the United States; and be it further

Resolved, That a copy of this resolution be sent to the Members of the United States Congress from Texas.

The resolution was read; and on motion of Senator Moffett, and by unanimous consent, it was considered at this time and was adopted.

Reports of Standing Committees

Senator Weinert, by unanimous consent, submitted at this time the following reports of the Committee on State Affairs:

Austin, Texas,
February 14, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 21, A bill to be entitled "An Act to amend the subject matter embraced in Section 3, Chapter 482, Acts of the Forty-fourth Legislature, Third Called Session, as amended by Section 1, Section 2, Section 3, Section 5, and Section 7, respectively, of Chapter 67, Acts of the Forty-fifth Legislature, Regular Session, and Section 5, Section 6, Section 8, Section 9, Section 14, and Section 16 of Chapter 482, Acts of the Forty-fourth Legislature, Third Called Session; imposing a tax on employers of six or more persons; providing for benefits; fixing benefit eligibility conditions and certain disqualifications for benefits; etc.; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, as amended by Committee Amendments Nos. One through Ten, and be printed and that the caption be amended to conform with the bill as amended.

WEINERT, Chairman.

Austin, Texas,
February 14, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 24, A bill to be entitled "An Act amending subdivision (a) of Section 9 of Article IV of Chapter 495 of the Acts of the Third Called Session of the Forty-fourth Legislature, so as to limit the operation of said subdivision to purchase money notes and obligations secured by any written instruments evidencing a lien or retention of title which are filed or recorded in the office of the county clerk under the registration laws of this State, and to exempt from its provisions notes and obligations or instruments securing same taken by or on behalf of the State of Texas or any corporate agency or instrumentality of the State of Texas, in carrying out a governmental purpose as expressed in any Act of the Legislature of the State of Texas, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recom-

mendation that it do pass and be printed.

WEINERT, Chairman.

Senator Sulak, by unanimous consent, submitted at this time the following report of the Committee on Agriculture:

Austin, Texas,
February 14, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred

S. B. No. 10, A bill to be entitled "An Act to be known as the 'State Soil Conservation Act,' reciting the legislative determination and declaration of policy; describing the consequence of soil erosion and the depletion of the fertility of the soil; reciting appropriate corrective methods; defining certain words and phrases used in this Act; establishing the State Soil Conservation Board; establishing five (5) State Districts from which members of the State Soil Conservation Board are to be elected; defining the powers and duties of said members acting through and for said State Soil Conservation Board; providing for the establishing of County Soil Conservation Advisory Committees; defining the duties and compensation of the members thereof; providing for the compensation of members of the State Soil Conservation Board; providing for the method by which vacancies on the State Soil Conservation Board shall be filled; providing for the creation of Soil Conservation Districts; providing for the manner of selection of the Supervisors of said Soil Conservation Districts; defining the powers, duties, and compensation of said Supervisors acting for and through such Soil Conservation District; providing for the removal of Supervisors; providing that vacancies shall be filled by election of Supervisors; providing for a Board of Adjustment of three members and fixing the method of appointment, the term of office, the duties and compensation of Board of Adjustment members; providing for removal of officers under certain conditions and the filling of vacancies; providing that the State Treasurer shall act as the Treasurer for the State for the State Soil Conservation Board; prescribing the duties of the State Treasurer with reference

to funds of the Board; providing for a biennial audit and report to be made to the Governor of the State by Soil Conservation Districts; providing for an appropriation to be made for the use of the State Board; providing the proper method of enforcement of such programs and regulations as may be promulgated by the several Districts described herein; providing method by which Soil Conservation Districts may be discontinued; repealing Senate Bill No. 227, Regular Session, Forty-fourth Legislature, Page 504; providing that House Bill No. 13, Acts of the Forty-Second Legislature, Regular Session and House Bill No. 978, Regular Session, Forty-fourth Legislature, and Senate Bill No. 386, Acts of the Forty-fifth Legislature, Regular Session, shall be specifically preserved; providing that this Act shall be supplementary and complementary to all present laws, except those specifically repealed by this Act; providing this Act shall not impair nor impinge upon the rights, powers, and functions of certain Districts; providing separability clause, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with amendments.

SULAK, Chairman.

Senator Van Zandt, by unanimous consent, submitted at this time the following reports of the Committee on Civil Jurisprudence:

Austin, Texas,
February 14, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 95,

Have had same under consideration and beg leave to report back to the Senate that it do pass and be printed.

VAN ZANDT, Chairman.

Austin, Texas,
February 14, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to which was referred

S. B. No. 170,

Have had same under consideration and beg leave to report back to the Senate that it do pass and be printed.

VAN ZANDT, Chairman.

Senator Moffett, by unanimous consent, submitted at this time the following report of the Committee on Constitutional Amendments:

Austin, Texas,
February 13, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No. 6,

Have had same under consideration, and I am instructed to report said resolution back to the Senate, with the recommendation that it do pass, and be printed.

MOFFETT, Chairman.

Senate Resolution 24

Senator Moore offered the following resolution:

Be it Resolved by the Senate of Texas, That the Caucus Report of the Regular Session of the Forty-sixth Legislature is hereby amended so as to provide that each Senator, at his option, may adjust his payroll so as to pay one secretary not to exceed Six (\$6.00) Dollars per day; provided that in no event shall the total pay of the employees allowed him in the Caucus Report exceed the amount provided in such Report.

The resolution was read; and on motion of Senator Moore and by unanimous consent, it was considered at this time and was adopted.

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, February 15, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 43, A bill to be entitled "An Act defining a Commercial Taxidermist, and providing a license for any person, firm or corporation operating as such; providing for disposition of moneys collected as license fees; permitting the sale of hides, antlers and hoofs of deer lawfully killed in this State to Commercial Taxidermists; providing for the keeping of records by licensed Taxidermists; repealing all laws in conflict with this Act; providing a suitable penalty for violation of any provision of this Act; declaring an emergency and the effective date of this Act."

Respectfully submitted,

E. R. LINDLEY, Chief Clerk,
House of Representatives.

House Bill on First Reading

The following bill, received from the House today, was laid before the Senate, read first time, and referred to the committee indicated:

H. B. No. 43, to Committee on State Affairs.

Bills on First Reading

By unanimous consent, the following bills were introduced, read severally first time, and referred to the committees indicated:

By Senator Kelley:

S. B. No. 193, A bill to be entitled "An Act to authorize the State Highway Commission, acting through its Chairman pursuant to order of the Commission, to convey lands or interests therein, owned by the State of Texas, acquired for use as a right-of-way for State highways in any county, one or more of the boundaries of which is coincident with any part of the International Boundary between the United States and Mexico, or in any county contiguous to any county of such described class, which is used or proposed to be used as a part of the site for flood control works, to the United States of America, or to any county of such described class, without monetary consideration, to enable the United States to carry out the provisions of Acts of Congress; and authorizing the State Highway Commission to join in and assent to easements executed by owners of the fee title to lands on which the State owns only an easement; validating any such con-

veyance heretofore made; providing that if any section, word, phrase, or clause in this Act be declared unconstitutional, for any reason, the remainder of this Act shall not be affected thereby; and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Senator Graves:

S. B. No. 194, A bill to be entitled "An Act to amend Article 5057a of the Revised Civil Statutes of 1925, as amended by S. B. No. 12, Chapter 190, Acts of the Regular Session of the Fortieth Legislature, so as to provide for the manner in which fire insurance companies and casualty insurance companies incorporated under the laws of this State shall render their property for taxation; providing where such property shall be rendered for taxation; and declaring an emergency."

Referred to Committee on Insurance.

By Senator Graves:

S. B. No. 195, A bill to be entitled "An Act to amend Article 5002 of the Revised Civil Statutes of 1925, relative to dividends of insurance companies, and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Lemens:

S. B. No. 196, A bill to be entitled "An Act amending Chapter 33 of the Local and Special Laws of the Thirty-sixth Legislature of Texas, Regular Session, as amended by Chapter 7 of the Local and Special Laws of the Thirty-sixth Legislature of Texas, Second Called Session, by adding thereto Sections 30a and 30b, providing that the Commissioners' Court of Hill County, Texas, may authorize and issue refunding bonds of said County for the purpose of funding certain scrip warrants outstanding against its Road and Bridge Fund as of February 15, 1939, and setting forth the method of issuing same; validating all acts of the Commissioners' Court and of the county officials of said County in authorizing, issuing and delivering said warrants, providing that the General Laws pertaining to roads and bridges shall be applicable to said County when not in conflict herewith; repealing all laws and parts of laws in conflict herewith; enacting provisions incident

to, and relating to the subject and purpose of this Act; and declaring an emergency."

Referred to Committee on Counties and County Boundaries.

Senate Joint Resolution 11 on First Reading

By unanimous consent, the following joint resolution was introduced at this time, read first time, and referred to the committee indicated:

By Senator Hardin:

S. J. R. No. 11, Proposing an amendment to Section 51b of Article III of the Constitution of the State of Texas giving the Legislature power by General Laws to provide for the payment of old age assistance subject to certain limitations, and fixing the qualifications of recipients of old age assistance and fixing the maximum amount of assistance which may be granted by the State, and providing old age assistance shall not be paid except to persons who are in need and otherwise qualified to receive such assistance; defining the word "need"; providing that old age assistance shall not be construed as a vested right in recipients of old age assistance; providing for authority to accept aid from the Government of the United States for old age assistance; levying and providing for the collection of a transaction tax of one and six-tenths (1.6%) per cent on the amount of actual value passing by each transaction and providing for the payment of such tax, and providing that where the amount of value which passes by a transaction is fixed by law, the tax of one and six-tenths (1.6%) of such value shall be collected on the last transaction only; defining the words "value", "person" and "transaction" as used in such amendment; and providing what transactions shall be exempt from said transaction tax; providing that production of natural resources of this State shall be subject to such transaction tax and fixing the date such tax shall be effective against such production, and determining the person liable for such tax; providing that if such transaction tax against production of natural resources fails or cannot be collected, a severance tax of one and six-tenths (1.6%) per cent of the value of such production be and is levied of such production in lieu of said transaction tax; providing for collection of such tax by the

Comptroller of Public Accounts and payment thereof to the State Treasurer; providing that such tax funds shall be credited to the Texas Old Age Assistance Fund, and requiring the transfer of certain of such funds to the Confederate Soldiers Pension Fund, Destitute Children Assistance Fund and Teacher's Retirement Fund, and fixing the amount and time of such transfers; providing for the exclusive use which shall be made of such funds, and providing that no other tax shall be levied for the payment on old age assistance, Confederate Soldiers pensions, destitute children assistance and teachers' retirement pensions; providing for payment of part of surplus tax into General Fund of the State; allocating such tax funds in case the same be inadequate to pay assistance as provided in this amendment; prohibiting counties, cities, and other political subdivisions from levying transaction tax; giving the Legislature power by General Laws to provide for administration of the provisions contained herein and for the collection of all taxes herein levied; proposing to amend the Constitution of the State of Texas by adding thereto Section 1-b to Article VIII, abolishing fifteen per cent (15%) of all State ad valorem taxes from and after January 1, 1941, except as to property situated in counties or political subdivisions receiving a remission of State taxes, and to amend Article 8, Section 1-a of the Constitution of the State of Texas to provide for the abolishment of all State and County ad valorem taxes on homesteads up to \$5,000.00 valuation, and levying in lieu thereof twenty-five per cent (25%) of the 1.6% transaction tax to be levied under this Act, and further providing that State revenue received from cigarette tax shall be allocated to Available School Fund, and specifying what use may be made thereof; providing for submission of amendment to qualified electors of the State and fixing the time of such election; providing for the necessary proclamation and making an appropriation to defray the expenses of proclamation, publication and election.

Referred to Committee on Constitutional Amendments.

Communication from Chief Justice of Supreme Court

The President laid before the Senate, and had read, the following communication:

The Supreme Court of Texas

Austin

February 15, 1939.

Honorable Bob Barker, Secretary of the Senate, Austin, Texas.

Dear Sir:

Enclosed herewith you will please find certified copy of order entered by Honorable C. M. Cureton, Chief Justice of the Supreme Court of Texas, withdrawing the name of Honorable Stanhope Henry, heretofore appointed a member of the Board of Pardons and Paroles of Texas, and appointing in his stead the Honorable Adam R. Johnson of Travis County, subject to the advice and consent of two-thirds of the Senate.

Yours very truly,
S. A. PHILQUIST, Clerk.

IN RE: THE APPOINTMENT OF A MEMBER OF THE BOARD OF PARDONS AND PAROLES

Be it remembered that the appointment of Honorable Stanhope Henry as a member of the Board of Pardons and Paroles of the State of Texas, on the 9th day of January, 1939, is hereby withdrawn.

Be it also remembered that on the day and date shown below, by virtue of the duty and power conferred upon me by the Constitution and laws of Texas, I have appointed, and do by this hereby appoint, the Honorable Adam R. Johnson, of Travis County, Texas, to office as one of the members of the Board of Pardons and Paroles of the State of Texas, to fill the unexpired term of office which began on February 1, 1939, and which was made vacant by the expiration of the term of office of the Honorable Bruce W. Bryant at midnight January 31, 1939. The above withdrawal and this appointment are subject to the advice and consent of the Senate.

A certified copy of this order shall be transmitted to the Secretary of State, the Senate now in session, and to the Honorable Adam R. Johnson.

IN TESTIMONY WHEREOF, witness my hand and the seal of the Supreme Court of Texas, at the City of Austin, this, the 14th day of February, 1939.

C. M. CURETON,

Chief Justice of the Supreme Court of the State of Texas.

Attest:

S. A. PHILQUIST,

Clerk of the Supreme Court of the State of Texas.

(SEAL)

Clerk's Office
Supreme Court of Texas

I, S. A. Philquist, Clerk of the Supreme Court of the State of Texas, do hereby certify that the within and foregoing is a true and correct copy of order entered by Hon. C. M. Cureton, Chief Justice of the Supreme Court of Texas on the 14th day of February, 1939, withdrawing the name of Hon. Stanhope Henry to be a member of the Board of Pardons and Paroles of Texas, and order appointing in his stead and place, the Hon. Adam R. Johnson, of Travis County, to be such member of the Board of Pardons and Paroles of Texas, as the same appear on file and of record in this office.

Given under my hand and seal of the Supreme Court of Texas, this, the 15th day of February, 1939, at Austin, Texas.

(SEAL)

S. A. PHILQUIST,

Clerk of the Supreme Court of Texas.

The communication was referred by the President to the Committee on Nominations of the Governor.

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, February 15, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate Amendments to H. B. No. 386, by a 116 yeas-0 noes vote.

Respectfully submitted,

E. R. LINDLEY, Chief Clerk,
House of Representatives.

House Bill 134 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 134, A bill to be entitled "An Act prohibiting the setting of any steel trap, snare, or deadfall in Panola County for the purpose of taking any fur-bearing animals for a period of two (2) years; providing certain exceptions; repealing all laws in so far as they conflict with this Act; providing a penalty for violation of this Act, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 134 on Third Reading

Senator Hill moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 134 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

Absent—Excused

Collie	Spears
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The President laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Bill 301 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 301, A bill to be entitled "An Act prohibiting the taking of fur-bearing animals in Shelby County; providing a suitable penalty for violation of this Act, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 301 on Third Reading

Senator Hill moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 301 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

Absent—Excused

Collie Spears

The President laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

Absent—Excused

Collie Spears

House Bill 432 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 432, A bill to be entitled "An Act to amend Section 1 of Article 952 of the Penal Code relating to taking of minnows by adding thereto Wilson County, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 432 on Third Reading

Senator Roberts moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 432 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

Absent—Excused

Collie Spears

The President laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Hardin
Beck	Head
Brownlee	Hill
Burns	Isbell
Cotten	Kelley
Graves	Lanning

Lemens	Small
Martin	Stone
Metcalfe	of Galveston
Moffett	Stone
Moore	of Washington
Nelson	Sulak
Pace	Van Zandt
Redditt	Weinert
Roberts	Winfield
Shivers	

Absent—Excused

Collie Spears

House Bill 351 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 351, A bill to be entitled "An Act to permit the taking of fish in public waters and streams in Erath and Hood Counties with certain exceptions, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 351 on Third Reading

Senator Head moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 351 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

Absent—Excused

Collie Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote.

Yeas—29

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

Absent—Excused

Collie Spears

Bill and Resolution Signed

The President signed in the presence of the Senate, after their captions had been read severally, the following enrolled bill and resolution:

H. B. No. 386, A bill to be entitled "An Act providing a closed season for taking game fish on Caddo Lake; making certain exceptions; providing a suitable penalty for violation of any provision of this Act; repealing all conflicting laws; and declaring an emergency."

H. C. R. No. 36, Recalling H. B. No. 296 from the Senate.

House Bill 379 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 379, A bill to be entitled "An Act amending Section 1 of House Bill No. 1002, Chapter 363 of the Forty-fifth Legislature, Regular Session, 1937, relating to compensation of County Commissioners in certain counties, repealing all laws in conflict herewith, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 212 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 212, A bill to be entitled "An Act creating a Special Road Law for Hamilton County, Texas, providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of the 1st day of January, 1939, setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the Commissioners' Court of said County and the officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of General Laws on the subject of roads and bridges and General Laws on funding or refunding bonds not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 212 on Third Reading

Senator Head moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 212 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

Absent—Excused

Collie	Spears
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The President then lead H. B. No. 212 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

Absent—Excused

Collie	Spears
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Senate Bill on First Reading

By unanimous consent, the following bill was introduced, read first time, and referred to the committee indicated:

By Senator Winfield:

S. B. No. 197, A bill to be entitled "An Act ratifying and confirming, subject to the consent and approval of the Congress of the United States, an agreement and compact between the States of New Mexico and Texas, pertaining to the construction and maintenance of the Alamogordo Reservoir upon the Pecos River in the State of New Mexico, and providing for agreement on the part of the State of New Mexico pertaining to the use of the waters of the Pecos River."

Referred to Committee on Mining, Irrigation and Drainage.

Senate Bill 43 on Second Reading

On motion of Senator Small, and by unanimous consent, Senate rule 31a was suspended, to permit consideration of S. B. No. 43 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 43, A bill to be entitled "An Act creating a special road law for Potter County, Texas, providing that said County may fund or refund designated interest-bearing time warrants in an amount not exceeding \$42,000.00 outstanding against its Road and Bridge Fund as of January 1, 1939, by the issuance of funding

bonds and setting forth the method of issuing same; validating all acts of the Commissioners' Court and of the county officials of said County in authorizing, levying taxes to pay principal and interest thereon and in issuing and delivering said warrants; prescribing the duties of the Attorney General and of the Comptroller of Public Accounts in reference to the bonds authorized herein; providing that the General Laws pertaining to roads and bridges shall be applicable to said County when not in conflict with the provisions hereof; providing that the provisions of this law shall take precedence over all laws in conflict herewith; enacting provisions incident to and relating to the subject and purpose of this Act, and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 43 on Third Reading

Senator Small moved to suspend the constitutional rule requiring bills to be read on three several days and that S. B. No. 43 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

Absent—Excused

Collie	Spears
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

Absent—Excused

Collie	Spears
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House Bill 379 on Third Reading

Senator Brownlee moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 379 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

Absent—Excused

Collie	Spears
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The President laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

On motion of Senator Brownlee and by unanimous consent, the bill was tabled subject to call.

Adjournment

Senator Hill moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

The motion prevailed; and the Senate, accordingly, at 11:10 o'clock a. m., adjourned until 10:00 o'clock a. m. tomorrow.

TWENTY-THIRD DAY

(Thursday, February 16, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tempore Moore.

The roll was called, and the following Senators were present:

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Metcalfe	Winfield
Moffett	

Absent—Excused

Martin Weinert

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Roberts and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Martin was granted leave of absence for today, on account of important business, on motion of Senator Isbell.

Senator Weinert was granted leave of absence for today, on account of the death of his father, at the request of the President Pro Tempore.

Reports of Standing Committees

The following reports were submitted by the Chairmen of the several committees to which were referred the bills named in the reports:

Austin, Texas,
February 16, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 75, A bill to be entitled "An Act to regulate Brokers who sell transportation or who make any contract, agreement, or arrangement to provide, procure, furnish, or arrange for transportation, furnish information relative to such transportation, or introduce parties; to require such Brokers to have a broker's license; defining certain terms; providing for the issuance, also the cancellation, of such license by the Railroad Commission of Texas; fixing the conditions under which such license may be issued; providing that the Railroad Commission may make reasonable rules and regulations applicable to all persons holding broker's license, providing for hearings; requiring a bond; providing for reviews of orders of the Commission; fixing a tax; providing penalties; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BROWNLEE, Chairman.

Austin, Texas,
February 15, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 311, A bill to be entitled "An Act making certain emergency appropriations for the General Land Office; and declaring an emergency."

Have had the same under consideration and I am instructed to report back to the Senate with recommendation that it do pass with Committee Amendments and be printed.

ROBERTS, Chairman.